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CAO, PHUONG THAO	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/798,459	UHLIR ET AL.	
	Examiner	Art Unit	
	Phuong-Thao Cao	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 August 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *22-51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to Amendment/RCE filed on 08/15/2008 and entered by an RCE.

2. Claims 22, 29, 34, 35 and 41-43 have been amended, claims 47-51 have been added, and claims 1-21 were previously cancelled. Currently, claims 22-51 are pending.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/15/2008 has been entered.

Response to Arguments

4. Applicant's arguments with respect to claims 22-51 have been considered but are moot in view of the new ground(s) of rejection.

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the terminology "computer-readable medium" as recited in claims 22, 34 and 48 are not disclosed/defined in the specification.

Claim Objections

6. Claims objected to because of the following informalities:

Regarding claims 22, 35, 48 and 51, the recited "A method" should be replaced by "A computer implemented method" to clarify the claimed method as a process implemented with computer(s).

Claims 22, 34 and 48 are objected as reciting "computer-readable medium" which is not defined in the specification. Note that paper can be interpreted as a computer-readable medium but paper storing computer instructions is not directed to a statutory subject matter.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 34 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 34, language "adapted to" raises question of whether the geographic data tool set actually performs extracting as recited. Note that replacing "adapted to" by "configured to" will overcome this rejection.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 22-24, 28, 30-32, 34, 35, 41, 42, 45 and 46-51 (effective filing date 03/11/2004) is rejected under 35 U.S.C. 103(a) as being unpatentable over Paulauskas et al. (US Patent No 6,401,033 issued on 6/4/2002) in view of Stephens (US Publication No 2004/0236543, effective filing date 05/21/2003).

As to claim 22, Paulauskas et al. teaches:

"A method for deriving at least two products from a source geographic database, the source geographic database comprising data representing real-world geographic features wherein the at least two products comprising a first dataset and a second dataset, the second dataset used for depicting a real geographic locale as part of a play scenario for a computer game" (see Paulauskas et al., [column 3, lines 35-55] wherein each storage medium with an appropriate data for a geographic region is interpreted as a product from the geographic data 70 (source) including information about one or more geographic regions or coverage areas; note that language "used for" suggests "intended uses" which have no patentable weight and require no demonstration in the art), the method comprising:

"extracting the first dataset from the source geographic database" (see Paulauskas et al., [column 3, lines 42-50] wherein portion (e.g., some or all) of the geographic data can be broadly considered as a first dataset);

"writing the first dataset to a first computer-readable medium; (see Paulauskas et al., [column 3, lines 48-50]);

"providing the first dataset, wherein at least a portion of the first dataset is used in a real-world navigation system" (see Paulauskas et al., [column 4, lines 5-45]);

"extracting the second dataset from the source geographic database" (see Paulauskas et al., [column 3, lines 42-50] wherein portion (e.g., some or all) of the geographic data can be broadly considered as a second dataset; also see [column 3, lines 53-55] wherein each storage medium with appropriate data for a geographic region represents a separate dataset);

"writing the second dataset to a second computer-readable medium" (see Paulauskas et al., [column 3, lines 53-55] wherein each storage medium with appropriate data for a geographic region represents a separate dataset); and

"providing the second dataset, wherein at least a portion of the second dataset is used in a computer-game system" (see Paulauskas et al., [column 9, lines 56-62]).

However, Paulauskas et al. does not teach:

"wherein the second dataset is used in the computer game that depicts the real geographic locale as part of the play scenario of the computer game, the play scenario including a predetermined theme that governs game play of the computer game".

On the other hand, Stephens teaches:

"wherein the second dataset is used in the computer game that depicts the real geographic locale as part of the play scenario of the computer game, the play scenario including a predetermined theme that governs game play of the computer game" (see Stephens, [0028] and [0031] for using data associated with an actual city (i.e., a geographical dataset) in a video game to generate a play area of the game; also see [0054]) .

It would be obvious to a person having ordinary skill in the art at the time the invention was made to have incorporate the teaching of Stephens into Paulauskas et al.'s system. A skilled artisan would have been motivated to do so as suggested by Stephens in [0031] that using real geographical data (i.e., data associated with an actual city) to generate a city model for the game provides an effective way to realistically replicate the actual city and enhances the user's perception that they are actually in the city represented in the city model.

As to claim 23, this claim is rejected based on arguments given above for rejected claim 22 and is similarly rejected including the following:

Paulauskas et al. and Stephens teach:

"wherein the real-world navigation system is selected from a group consisting of: in-vehicle navigation systems, hand-held portable navigation system, personal computers, personal digital assistants, pagers, and telephones" (see Paulauskas et al., [column 2, lines 30-43]).

As to claim 24, this claim is rejected based on arguments given above for rejected claim 22 and is similarly rejected including the following:

Paulauskas et al. and Stephens teach:

"wherein using at least a portion of the first dataset in a real-world navigation system comprises providing a service selected from a set consisting of route calculation, route guidance, vehicle positioning, map display, and electronic yellow pages" (see Paulauskas et al., [column 3, lines 1-15] and [column 4, lines 15-26]).

As to claim 28, this claim is rejected based on arguments given above for rejected claim 22 and is similarly rejected including the following:

Paulauskas et al. and Stephens teach:

"combining at least a portion of the second dataset with a computer-game component selected from a set consisting of: characters, game logic, vehicles, game rules, rendering logic, and graphic logic" (see Paulauskas et al., [column 4, lines 58-62] for combining geographic data with game rules).

As to claim 30, this claim is rejected based on arguments given above for rejected claim 22 and is similarly rejected including the following:

Paulauskas et al. and Stephens teach:

"accessing the second set of data using an application programming interface" (see Paulauskas et al., [column 6, lines 15-20] wherein the game application must obtain data from the geographic database through an application programming interface).

As to claim 31, this claim is rejected based on arguments given above for rejected claim 22 and is similarly rejected including the following:

Paulauskas et al. and Stephens teach:

"accessing the second set of data using a spatial query" (see Paulauskas et al., [column 8, lines 27-30] and [column 9, lines 20-30] wherein query based on location is interpreted as spatial query; also see Stephens, [0055] for accessing a portion of the city model from the stored city model for displaying on the screen).

As to claim 32, this claim is rejected based on arguments given above for rejected claim 22 and is similarly rejected including the following:

Paulauskas et al. and Stephens teach:

"extracting data from the second set of data using spatial criteria" (see Paulauskas et al., [column 6, lines 15-25] wherein obtaining only sign text information along the route upon which the vehicle is traveling indicates the use of spatial criteria).

As to claim 34, Paulauskas et al. teaches:

"A computer-readable medium having computer-executable instructions stored thereon for performing a method of using a source geographic database, the source geographic database comprising data representing real-world geographic features" (see Paulauskas et al., [column 3, lines 35-55] wherein each storage medium with an appropriate data for a geographic region is interpreted as a product from the geographic data 70 (source) including information about one or more geographic regions or coverage areas), the method comprising:

"extracting a first dataset from the source geographic database" (see Paulauskas et al., [column 3, lines 42-50] wherein portion (e.g., some or all) of the geographic data can be broadly considered as a first dataset);

"writing the first dataset to a first computer-readable medium; (see Paulauskas et al., [column 3, lines 48-50]);

"providing the first dataset for use in supplying a navigation-related function in a real-world navigation system" (see Paulauskas et al., [column 4, lines 5-45]);

"extracting a second dataset from the source geographic database" (see Paulauskas et al., [column 3, lines 42-50] wherein portion (e.g., some or all) of the geographic data can be broadly considered as a second dataset; also see [column 3, lines 53-55] wherein each storage medium with appropriate data for a geographic region represents a separate dataset);

"writing the second dataset to a second computer-readable medium" (see Paulauskas et al., [column 3, lines 53-55] wherein each storage medium with appropriate data for a geographic region represents a separate dataset); and

"using at least a portion of the second dataset in a computer-game system; wherein the computer-game system is separate from the real-world navigation system" (see Paulauskas et al., [column 9, lines 56-62]); and

"wherein the geographic data tool set is adapted to extract all data corresponding to a sub-area from the second dataset based on a location input" (see Paulauskas et al., Fig. 3 and [column 4, lines 58-63], in response to vehicle position input, a game application obtains geo data from database wherein game application can be interpreted as data tool set as recited).

However, Paulauskas et al. does not teach:

"providing the second dataset and a geographic data tool set for developing a computer game that depicts a real geographic locale as part of play scenarios of the computer games".

On the other hand, Stephens teaches:

"providing the second dataset and a geographic data tool set for developing a computer game that depicts a real geographic locale as part of play scenarios of the computer games" (see Stephens, [0028] and [0031] for using data associated with an actual city (i.e., a geographical dataset) with city generator and cityscape generator (i.e., data tool set) in a video game to generate a play area of the game; also see [0054]) .

It would be obvious to a person having ordinary skill in the art at the time the invention was made to have incorporate the teaching of Stephens into Paulauskas et al.'s system. A skilled artisan would have been motivated to do so as suggested by Stephens in [0031] that using real geographical data (i.e., data associated with an actual city) to generate a city model for the game provides an effective way to realistically replicate the actual city and enhances the user's perception that they are actually in the city represented in the city model.

As to claim 35, Paulauskas et al. teaches:

"A method of using a source database for forming derived products, wherein the source database contains data that represent geographic features in a region including roads in the region" ((see Paulauskas et al., [column 3, lines 35-55] wherein each storage medium with an appropriate data for a geographic region is interpreted as a product from the geographic data 70 (source) including information about one or more geographic regions or coverage areas), the method comprising:

"providing a first set of data from the source database to a first developer, wherein the first developer uses the first set of data in systems that provide navigation-related features, wherein the first set of data represents at least some of the geographic features in the region and further wherein the first set of data includes attributes suitable for use for providing navigation-related functions" (see Paulauskas et al., [column 3, lines 43-47] and [column 4, lines 10-45]);

"providing a second set of data from the source database to a second developer, wherein the second developer uses the second set of data in computer games" (see Paulauskas et al., [column 4, lines 58-62] for using geographic data (second set of data) in game application).

However, Paulauskas et al. does not teach:

"providing a geographic data tool set to a second developer, wherein the second developer uses the second set of data and the geographic data tool set to develop computer games, wherein the second dataset represents at least some of the geographic features in the region as part of play scenarios of the computer games";

"wherein the geographic data tool set provides a spatial search function that retrieves data representing all road segments in a sub-area from the second set of data based on a location specific query that identifies the sub-area".

On the other hand, Stephens teaches:

"providing a geographic data tool set to a second developer, wherein the second developer uses the second set of data and the geographic data tool set to develop computer games, wherein the second dataset represents at least some of the geographic features in the region as part of play scenarios of the computer games" (see Stephens, [0028] and [0031] for using data associated with an actual city (i.e., a geographical dataset) with city generator and

cityscape generator (i.e., data tool set) in a video game to generate a play area of the game; also see [0054]),

"wherein the geographic data tool set provides a spatial search function that retrieves data representing all road segments in a sub-area from the second set of data based on a location specific query that identifies the sub-area" (see Stephens, [0027] and [0033]-[0034] wherein city model generator (i.e., a data tool) retrieves road data from roadway database to generate city model for interception by interception; also see Stephens, [0055] for retrieving a portion of the city model).

It would be obvious to a person having ordinary skill in the art at the time the invention was made to have incorporate the teaching of Stephens into Paulauskas et al.'s system. A skilled artisan would have been motivated to do so as suggested by Stephens in [0031] that using real geographical data (i.e., data associated with an actual city) to generate a city model for the game provides an effective way to realistically replicate the actual city and enhances the user's perception that they are actually in the city represented in the city model.

As to claim 41, this claim is rejected based on arguments given above for rejected claim 35 and is similarly rejected including the following:

Paulauskas et al. and Stephens teach:

"wherein the second set of data is accessed by an application programming interface that is included in the geographic data tool set" (see Paulauskas et al., [column 6, lines 15-20] wherein the game application must obtain data from the geographic database through an application programming interface).

As to claim 42, this claim is rejected based on arguments given above for rejected claim 35 and is similarly rejected including the following:

Paulauskas et al. and Stephens teach:

"wherein data from the second set of data is extracted using spatial criteria to provide a second database product" (see Paulauskas et al., [column 6, lines 15-25] wherein obtaining only sign text information along the route upon which the vehicle is traveling indicates the use of spatial criteria).

As to claim 45, this claim is rejected based on arguments given above for rejected claim 35 and is similarly rejected including the following:

Paulauskas et al. and Stephens teach:

"wherein the second set of data is combined with other game-related components to form computer games" (see Paulauskas et al., [column 4, lines 58-63] for combining geographical data (second set of data) with game data).

As to claim 46, this claim is rejected based on arguments given above for rejected claim 35 and is similarly rejected including the following:

Paulauskas et al. and Stephens teach:

"wherein the second set of data is combined with a computer-game components to form the computer games, wherein the other game-related components include at least one of a group consisting of: characters, game logic, vehicles, game rules, rendering logic, and graphic logic"

(see Paulauskas et al., [column 4, lines 58-62] for combining geographic data with game rules; also see Stephens, [0031] and [0054]).

As to claim 47, this claim is rejected based on arguments given above for rejected claim 34 and is similarly rejected including the following:

Paulauskas et al. and Stephens teach:

"wherein the sub-area comprises a city, and wherein the location input includes identification of the city" (see Paulauskas et al., [column 3, lines 42-55] for extracting a portion of the geographic database to store on the user system; see Stephens, [0055] and [0062] wherein city model represents information of a city).

As to claim 48, Paulauskas et al. teaches:

"A method of using a source geographic database, the source geographic database comprising data representing real-world geographic features" (see Paulauskas et al., [column 1, lines 33-42]), the method comprising:

"extracting a first dataset from the source geographic database" (see Paulauskas et al., [column 3, lines 43-46] wherein a portion is interpreted as dataset);

"writing the first dataset to a first computer-readable medium" (see Paulauskas et al., [column 3, lines 48-50]);

"providing the first dataset for use in supplying a navigation-related function in a real-world navigation system" (see Paulauskas et al., [column 3, lines 34-36]);

"extracting a second dataset from the source geographic database" (see Paulauskas et al., [column 3, lines 53-55] wherein each set of data for a geographic region represents a dataset from the geographic data/database);

"writing the second dataset to a second computer-readable medium" (see Paulauskas et al., [column 3, lines 53-55]).

However, Paulauskas et al. does not teach:

"providing the second dataset and a geographic data tool set for developing a computer game that depicts a real geographic locale as part of a play scenario";

"wherein the geographic data tool set provides a spatial search function that retrieves data representing all road segments in a sub-area from the second set of data based on a location specific query that identifies the sub-area".

On the other hand, Stephens teaches:

"providing the second dataset and a geographic data tool set for developing a computer game that depicts a real geographic locale as part of a play scenario" (see Stephens, [0028] and [0031] for using data associated with an actual city (i.e., a geographical dataset) with city generator and cityscape generator (i.e., data tool set) in a video game to generate a play area of the game; also see [0054]),

"wherein the geographic data tool set is configured to request data representing all road segments in a selected area from the second dataset as a function of a spatial query, the spatial query defining the selected area" (see Stephens, [0027] and [0033]-[0034] wherein city model generator (i.e., a data tool) retrieves road data from roadway database to generate city model for interception by interception; also see Stephens, [0055] for retrieving a portion of the city model).

It would be obvious to a person having ordinary skill in the art at the time the invention was made to have incorporate the teaching of Stephens into Paulauskas et al.'s system. A skilled artisan would have been motivated to do so as suggested by Stephens in [0031] that using real geographical data (i.e., data associated with an actual city) to generate a city model for the game provides an effective way to realistically replicate the actual city and enhances the user's perception that they are actually in the city represented in the city model.

As to claim 49, this claim is rejected based on arguments given above for rejected claim 48 and is similarly rejected including the following:

Paulauskas et al. and Stephens teach:

"wherein the selected area is defined by a longitude and latitude point and a radial distance from the longitude and latitude point" (see Paulauskas et al., [column 3, lines 1-30] for navigation features including requesting for data of an area defined by a location and a radius from the location; also see Stephens, [0055] for requesting portion of data for displaying on screen).

As to claim 50, this claim is rejected based on arguments given above for rejected claim 48 and is similarly rejected including the following:

Paulauskas et al. and Stephens teach:

"wherein the selected area is defined by a rectangular having specified geographic boundaries" (see Stephens, [0055] wherein the portion of data for displayed on the display screen defined by a rectangular (i.e., display screen)).

As to claim 51, Paulauskas et al. teaches:

"A method of facilitating development of computer games" (see Paulauskas et al., Abstract), the method comprising:

"extracting a dataset from a source geographic database" (see Paulauskas et al., [column 3, lines 43-45] for extracting a portion of geographic data),

"wherein the source geographic database includes data that represent roads in a road network in a real world geographic locale including geographic coordinates of positions of the roads, street names of the roads, address ranges along the roads, turn restrictions at intersections of the roads, road connectivity and road shape" (see Paulauskas et al., [column 4, lines 15-45]).

However, Paulauskas et al. does not teach:

"providing the second dataset and a geographic data tool set for developing a computer game that depicts a real geographic locale as part of a play scenario";

"wherein the geographic data tool set provides a spatial search function that retrieves data representing all road segments in a sub-area from the second set of data based on a location specific query that identifies the sub-area".

On the other hand, Stephens teaches:

"providing the second dataset and a geographic data tool set for developing a computer game that depicts a real geographic locale as part of a play scenario" (see Stephens, [0028] and [0031] for using data associated with an actual city (i.e., a geographical dataset) with city generator and cityscape generator (i.e., data tool set) in a video game to generate a play area of the game; also see [0054]),

"wherein the geographic data tool set is configured to request data representing all road segments in a selected area from the second dataset as a function of a spatial query, the spatial query defining the selected area" (see Stephens, [0027] and [0033]-[0034] wherein city model generator (i.e., a data tool) retrieves road data from roadway database to generate city model for interception by interception; also see Stephens, [0055] for retrieving a portion of the city model).

It would be obvious to a person having ordinary skill in the art at the time the invention was made to have incorporate the teaching of Stephens into Paulauskas et al.'s system. A skilled artisan would have been motivated to do so as suggested by Stephens in [0031] that using real geographical data (i.e., data associated with an actual city) to generate a city model for the game provides an effective way to realistically replicate the actual city and enhances the user's perception that they are actually in the city represented in the city model.

12. Claims 25, 27, 33, 36, 38-40 and 43 (effective filing date 3/11/2004) are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulauskas et al. (US Patent No 6,401,033 issued on 6/4/2002) in view of Stephens (US Publication No 2004/0236543, effective filing date 05/21/2003), and further in view of Koller et al. ("Virtual GIS: A Real-Time 3D Geographic Information System", IEEE: 1995).

As to claims 25 and 36, Paulauskas et al. and Stephens teach all limitations as recited in claims 22 and 35 respectively.

However, Paulauskas et al. and Stephens do not explicitly teach "combining at least a portion of the second dataset with a road-model dataset to provide a realistic visual appearance of roads; wherein the road-model dataset is separate from the source geographic database".

On the other hand, Koller et al. teaches "combining at least a portion of the second dataset with a road-model dataset to provide a realistic visual appearance of roads; wherein the road-model dataset is separate from the source geographic database" (see Koller et al., [page 96, column 1, paragraph 2] and [page 96, column 2, paragraph 4] for combining geographic information database (second dataset) and models of roads, trees, buildings, vehicles (road-model dataset)).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Koller et al. into Paulauskas et al.'s system (as modified by Stephens). One having ordinary skill in the art would have found it motivated to do so to effectively provide realistic visual appearance of roads in the region, thereby improving the graphical representation of system.

As to claims 27 and 38-40, Paulauskas et al. and Stephens teach all limitations as recited in claims 22 and 35 respectively.

However, Paulauskas et al. and Stephens do not explicitly teach "combining at least a portion of the second dataset with a 3D-model dataset to provide a realistic visual presentation of a feature selected from a set consisting of: polygon-shape features, cityscape features, landscape features, buildings, fences, trees, shrubbery, lawns, and clouds; wherein the 3D-model dataset is separate from the source geographic database".

On the other hand, Koller et al. teaches "combining at least a portion of the second dataset with a 3D-model dataset to provide a realistic visual presentation of a feature selected from a set consisting of: polygon-shape features, cityscape features, landscape features, buildings, fences, trees, shrubbery, lawns, and clouds; wherein the 3D-model dataset is separate from the source geographic database" (see Koller et al., [page 95, column 2, paragraph 2-4], [page 96, column 1, paragraph 2 and 3] and [page 96, column 2, paragraph 4] for combining geographic information database (second data set) with 3D models of shapes, trees, buildings, roads, waterways (3D-model dataset).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Koller et al. into Paulauskas et al.' s system (as modified by Stephens). A skilled artisan would have been motivated to do so in order to provide a realistic visual representation of features in the region thereby providing an effective way to build computer game scenes with more realistic views which plays a key role in attracting computer game users.

As to claims 33 and 43, Paulauskas et al. and Stephens teach all limitations as recited in claims 22 and 35 respecfully.

However, Paulauskas et al. and Stephens do not teach "filtering data from the second set of data to provide a desired level of accuracy".

On the other hand, Koller et al. teaches "filtering data from the second set of data to provide a desired level of accuracy" (see Koller et al., [page 97, column 1, paragraph 3-5]).

It would be obvious to a person having ordinary skill in the art at the time the invention was made to have incorporate the teaching of Koller et al. into Paulauskas et al.'s system (as modified by Stephens). A skilled artisan would have been motivated to do so to provide the computer game developers with a flexible and effective way to get only a set of data needed to render pictures with desired level of accuracy in their computer games.

13. Claims 26 and 37 (effective filing date 3/11/2004) are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulauskas et al. (US Patent No 6,401,033 issued on 6/4/2002), in view of Stephens (US Publication No 2004/0236543, effective filing date 05/21/2003) and Koller et al. ("Virtual GIS: A Real-Time 3D Geographic Information System", IEEE: 1995), and further in view of Freedman (Map Quests, 2/2004).

As to claim 26, Paulauskas et al., Stephens and Koller et al. teach all limitations of claim 25.

However, Paulauskas et al., Stephens and Koller et al. do not explicitly teach "wherein the road-model dataset comprises a feature selected from a set consisting of: road-pavement colors, lane-stripe markings, curbs, sidewalks, signs, lampposts, land dividers, traffic signals, speed bumps, and crosswalks".

On the other hand, Freedman teaches "wherein the road-model dataset comprises a feature selected from a set consisting of: road-pavement colors, lane-stripe markings, curbs, sidewalks, signs, lampposts, land dividers, traffic signals, speed bumps, and crosswalks" (see Freedman, see the picture of game "True Crime: Streets of LA").

It would be obvious to a person having ordinary skill in the art at the time the invention was made to have incorporate the teaching of Freedman into Paulauskas et al.'s system (as modified by Stephens and Koller et al.). A skilled artisan would have been motivated to do so to in order to provide a realistic visual representation of roads with its related features thereby providing an effective way to build computer game scenes with more realistic views which plays a key role in attracting computer game users.

As to claim 37, Paulauskas et al. and Stephens teach all limitations as recited in claim 35.

However, Paulauskas et al. and Stephens do not explicitly teach "combining at least a portion of the second dataset with a road-model dataset to provide a realistic visual appearance of roads in the region".

On the other hand, Koller et al. teaches "combining at least a portion of the second dataset with a road-model dataset to provide a realistic visual appearance of roads in the region" (see Koller et al., [page 96, column 1, paragraph 2] and [page 96, column 2, paragraph 4] for combining geographic information database (second dataset) and models of roads, trees, buildings, vehicles (road-model dataset)).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Koller et al. into Paulauskas et al.'s system (as modified by Stephens). One having ordinary skill in the art would have found it motivated to do so to effectively provide realistic visual appearance of roads in the region, thereby improving the graphical representation of system.

However, Paulauskas et al., Stephens and Koller et al. do not explicitly teach "wherein the road-model dataset comprises a feature selected from a set consisting of: road-pavement colors, lane-stripe markings, curbs, sidewalks, signs, lampposts, land dividers, traffic signals, speed bumps, and crosswalks".

On the other hand, Freedman teaches "wherein the road-model dataset comprises a feature selected from a set consisting of: road-pavement colors, lane-stripe markings, curbs, sidewalks, signs, lampposts, land dividers, traffic signals, speed bumps, and crosswalks" (see Freedman, see the picture of game "True Crime: Streets of LA").

It would be obvious to a person having ordinary skill in the art at the time the invention was made to have incorporate the teaching of Freedman into Paulauskas et al.'s system (as modified by Stephens and Koller et al.). A skilled artisan would have been motivated to do so to in order to provide a realistic visual representation of roads with its related features thereby providing an effective way to build computer game scenes with more realistic views which plays a key role in attracting computer game users.

14. Claims 29 and 44 (effective filing date 3/11/2004) are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulauskas et al. (US Patent No 6,401,033 issued on 6/4/2002) in view of Stephens (US Publication No 2004/0236543, effective filing date 05/21/2003), and further in view of Freedman (Map Quests, 2/2004).

As to claims 29 and 44, Paulauskas et al. and Stephens teach all limitations of claims 22 and 35 respectively.

However, Paulauskas et al. and Stephens do not explicitly teach:

"providing at least a portion of the second dataset to each of a plurality of end-user computing platforms"; and

"on each of the plurality of end-user computing platforms, using at least a portion of second dataset to represent the geographic features in the play scenario of the computer game".

On the other hand, Freedman teaches:

"providing at least a portion of the second dataset to each of a plurality of end-user computing platforms" (see Freedman, under "True Crime: Streets of LA", wherein satellite imagery, GPS and geological surveys provides geographic data to the game which operates on multiple computing platforms (e.g., PS2, GameCube, Xbox)); and

"on each of the plurality of end-user computing platforms, using at least a portion of second dataset to represent the geographic features in the play scenario of the computer game" (see Freedman, under "True Crime: Streets of LA", presenting streets of LA as game scenes).

It would be obvious to a person having ordinary skill in the art at the time the invention was made to have incorporate the teaching of Freedman into Paulauskas et al.'s system (as modified by Stephens). A skilled artisan would have been motivated to do so to in order to provide a realistic scenes in virtual game environment, thereby providing computer games with realistic real-life views which plays a key role in attracting computer game users.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong-Thao Cao whose telephone number is (571)272-2735. The examiner can normally be reached on 8:30 AM - 5:00 PM (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung T Vy/
Primary Examiner, Art Unit 2163

Phuong-Thao Cao, Examiner
Art Unit 2164
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